

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 11-5625 DSF (JCGx)

Date 6/26/12

Title Federal Deposit Insurance Corp., etc. v. Jennifer Escobedo, etc.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Sanctions for Filing of
Notice of Unavailability of Counsel

On June 22, 2012, Plaintiff's counsel filed a document titled Notice of Unavailability of Counsel. This Court's Standing Order, filed in this case on July 11, 2011 provides:

20. "Notice of Unavailability"

While the Court expects that counsel will conduct themselves appropriately and will not deliberately schedule Court or other proceedings when opposing counsel are unavailable, a "Notice of Unavailability" has no force or effect in this Court. Such documents should not be filed.

The filing of the Notice of Unavailability violates this Court's Standing Order. Moreover, to the extent the Notice was meant to communicate with the Court, it is inappropriate. Counsel lacks the authority to usurp the Court's control of its own docket. In addition, the Court finds it unacceptable that the Federal Deposit Insurance Corporation would retain counsel that would unilaterally announce "unavailability" for "hearings, motions or petitions."

Counsel is ordered to show cause in writing no later than July 24 why he should not be sanctioned in the amount of \$250 payable to the Clerk of the Court for violation of this Court's Standing Order. Payment of \$250 to the Clerk of the Court by July 24 will be a sufficient response to this Order to Show Cause.

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IT IS SO ORDERED.